

REMARKS

This amendment is in reply to the July 5, 2005 Office Action. The Examiner rejected claims 1-111, 114-129, 132-139, 141-214, 216-217, 227-231, 234-236 and 239-246 as obvious over Pool (U.S. Patent No. 6,845,364) in view of Wojcik (U.S. Patent No. 5,758,329). The Examiner indicated that claims 112, 130, 232 and 237-238 are allowable if rewritten in independent form. The Examiner indicated that claims 140, 215 and 218-226 are allowable.

The present invention relates to an electronic freight transportation marketplace accessible to users over a network. The users of the marketplace are sellers of freight transportation services or buyers who are seeking freight transportation services. Currently, electronic marketplaces are merely electronic bulletin boards where providers of transportation services can post rates and contact information. Such boards have limited utility as they cannot execute transactions between a freight services provider nor can a potential buyer see a full range of all transport providers who may access the board and may meet a given need.

The freight marketplace of the present invention contains a description of various actions which may be performed by users. In order to properly describe the various actions which may be performed, an enrollment system is used to insure that marketplace users meet certain criteria which are useful to other users and thus provides restricted participation in the marketplace. The criteria may include necessary financial resources, insurance, operating authority and other factors which limit the users to those who are likely to offer benefits to the other users. An account management system is part of the marketplace that assigns roles to the users. The roles define the actions which can be taken by the users in either offering different freight services or purchasing such services. The marketplace has a buy/sell system for the creation of a tender

agreement between two users (buyer and seller) which may be executed on line via an order fulfillment system once a match is found between a buyer and a seller.

The present invention contemplates the use of an auction system where transport services relating to desired capabilities may be sold to the most desirable bidder and a service provider may bid for the most desirable offer. The users make available their need for or their ability to provide freight transportation services as an invitation to other users with regard to the provision or purchase of needed or available freight transportation services in the form of buyer and seller auctions. The users creating a seller auction may accept any or none of the offers or bids for provision of transport services. Users creating a buyer auction may accept any or none of the offers or bids for use of transport services. The system has a matching system that allows users to match their requests for a service or for a service job with a user with a need for a service or a service provider respectively as a result of the auction. After a match, the system automatically provides a tender agreement between the two parties for the services.

The present invention may be distinguished from the references of record as those systems mandate the system administrator to select the options available to those seeking goods or services in those systems. For example, Pool discloses an international product transaction system for the purchase of goods over the Internet from a single provider of goods. Pool is directed toward facilitating international transactions by providing provisions for logistical services such as currency conversion and language translation to determine the costs of such items. (Col. 4, Ins. 5-23). Pool clearly does not relate to a marketplace offering transportation services. Pool does describe giving transportation information, but the only choices for transportation are those selected by the system administrator. (Col. 9, Ins. 21-32, Col. 12, Ins. 45-49). The Pool system does not allow a user to select different participants' services in

shipping which are provided to the marketplace. Moreover, Pool is a standard catalog system having known goods with listed non-negotiable prices for shipping and international conversion. (Col. 6, Ins. 53-65). Thus, Pool does not disclose an auction system as neither buyers nor sellers of services can set up an auction for their services or their needs for services. Finally, Pool does not define the roles of its users to permit different actions for such users and does not screen users to the system via an enrollment system.

Wojcik relates to a computer system for managing customer orders which takes customer orders and verifies the ability to make such orders. However, the orders do not allow an auction system to determine the best match according to specific criteria. Further Wojcik does not allow the input of those users offering transport services, rather a list of low cost shipping services are provided. (Col. 6, Ins. 18-23). At best, there is certain data relating to a number of service providers in a freight shipping database with published rates and capabilities. (Col. 10, ln. 60-Col. 11, ln. 10). However, there is no indication whether such services are available nor whether such services have the required capabilities requested by a buyer. (Col. 11, Ins. 14-19). There is no provision for the carriers to specify the particular services which are available immediately. Moreover, there is no provision for carriers to bid for a needed transport contract via an auction. There is no seller auction which allows a provider of transport services to select a buyer of transport services. Wojcik also has provisions for a user to arrange for their own transport services, but obviously this feature does not allow for posting the need for such services electronically to other participants. (Col. 8, Ins. 22-27).

Thus even the combination of Pool and Wojcik would not anticipate the elements of the claims. Such a combination would not have the ability to limit possible carriers and users of shipping services by only enrolling those users into the system which match various needed

criteria. Further such a combination would have a list of potential carriers, it would not allow either carriers nor users of carriers to participate in an auction to find the optimal services or customers.

In order to further distinguish the invention, Applicant has amended claims 1, 141 and 142 to require the use of an enrollment system which accepts users to the marketplace according to specific criteria. Amended claim 1 also requires that the users are further defined as either buyers or sellers with corresponding accounts. Neither Pool nor Wojcik, either alone or in combination suggest nor teach the elements of amended claims 1, 141 and 142. Neither reference has an enrollment system which limits the marketplace users to those who may meet specific criteria. In fact, any customer may access the Pool or Wojcik system to order products, there is no enrollment system for a user of the system as required by the amended claims. Further, amended claims 1 and 142 now require that the users are defined as buyers or sellers of freight services. At best, the combination of Pool and Wojcik define a singular role of a buyer of freight services. The combination would not allow the actions of a seller of freight services to communicate over the network to a potential buyer or buyers. At best, the combined system would have a database of sellers of freight services, but such parties are not actual users of the system as now required by amended claims 1 and 142. Applicant respectfully submits that amended claims 1, 141 and 142 are allowable. Applicant has canceled claims 2 and 5 and has amended the corresponding dependent claims 3, 4, 6-50, 114-120 and 126 to depend from claim 1. Applicant has canceled claim 166 and claims 143-165 and 167-169 depend from claim 142. Applicant submits that these dependent claims are similarly allowable.

Similarly Applicant has amended claim 170 to require that the enrollment system accepts users to the marketplace according to specific criteria. As explained above, neither Pool nor

Wojcik, either alone or in combination suggests nor teaches an enrollment system which limits the marketplace users to those who may meet specific criteria. Further, claim 170 also requires that the enrollment system have an introduction and demonstration components which are designed to attract users to enroll in the marketplace. Neither Pool nor Wojcik have an enrollment system with introduction or demonstration components. Applicant respectfully submits that amended claim 170 is now allowable.

Applicant has amended claims 51 and 171 to require an auction system which permits a buyer to offer an auction for desired transportation services and a seller to offer an auction for transportation capabilities. Amended claims 51 and 171 also require that a tender agreement is created once a match is found between the two parties. Neither Pool nor Wojcik, either alone or in combination suggests nor teaches the elements of amended claims 51 and 171. Neither reference has an auction system which allows both buyers and sellers to auction their need for transportation services or their ability to offer transportation services. At best, buyers may access different sellers of transport services in the Wojcik system, however, Wojcik does not allow sellers to offer different capabilities for auction to buyers. Applicant respectfully submits that amended claims 51 and 171 are now allowable. Claims 52-110 depend from claim 51 and claims 172-214 depend from claim 171 and are similarly allowable.

Applicant has canceled claim 111 and amended claim 112 to incorporate all of the limitations of the intermediate claims. Applicant respectfully submits that amended claim 112 is now allowable. Claims 113 and 121-125 now depend from claim 112 and are similarly allowable.

Applicant has amended claim 130 to incorporate all of the limitations of the intermediate claims 1 and 127 and 129. Applicant respectfully submits that amended claim 130 is now

allowable. Applicant has canceled claims 127-129 and claims 131-139 now depend from claim 130 and are similarly allowable.

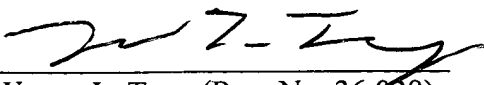
Applicant has canceled claims 216-217 and incorporated those limitations into claim 218 which the Examiner indicated was allowable. Claims 219-226 now depend from claim 218 and are similarly allowable.

The Examiner has indicated that claims 232-233 are allowable. Applicant has amended claim 227 to incorporate the limitations of claim 232 and has canceled claims 229, 231 and 232. Amended claim 227 is now allowable.

The Examiner has indicated that claims 237-238 are allowable. Applicant has amended claim 234 to incorporate the limitations of claim 237 and has canceled claims 235-237. Amended claim 234 is now allowable and claims 238-245 now depend from amended claim 234 and are similarly allowable.

For the foregoing reasons, Applicant respectfully submits that the pending claims (1, 3, 4, 6-110, 112-126, 130-165, 167-215, 218-228, 230, 233-234 and 238-246) are in condition for allowance and that the Examiner issue a notice of allowance in the above-identified application. The Office is authorized to charge all fees, if any, associated with this Amendment to Deposit Account No. 13-0019.

Respectfully submitted,

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